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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,255	07/29/2003	Robin D. Platt	46401.0056	6700
7590	07/11/2005		EXAMINER	
L. Grant Foster HOLLAND & HART LLP P.O. Box 8749 Denver, CO 80201			PATEL, TAJASH D	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/629,255

Applicant(s)

PLATT, ROBIN D.

Examiner

Tejash D. Patel

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/15/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Domingos (US 4,047,650). Domingos discloses a pocket apparatus (10) defines a partially enclosed space having an open side with a cover (16) being secured adjacent to the open side of the partially enclosed space which is capable of extending over the open side of the partially enclosed space as shown in figures 1 and 2. Further, an ammunition flap (30) is secured adjacent to the open side of the partially enclosed space such that the flap can be concealed inside the partially enclosed space by being not visible and exposed outside the partially enclosed space as shown in figures 1 and 4. Furthermore, the partially enclosed space is a pocket (44) that has a substantially rectangular configuration with the open side facing up which allows complete access when the flap is exposed to the outside as shown in figure 1. The cover has a mechanism (48,50) for releasably securing an outside portion of the enclosed space when the flap is concealed inside thereof as shown in figure 2.

Also, the ammunition flap being secured below the cover includes a plurality of holders (42) that are configured to releasably secure firearm ammunition cartridges therein, col. 3, lines 37-55 and as shown in figure 1.

3. Claims 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cutler in view of Domingos. Cutler discloses a pocket (34) disposed on a garment (12) with a flap (38) coupled to the garment being adjacent to the pocket such that the flap is insertable into the pocket to be concealed as shown in figure 2. Further, the flap can hang on the outside of the pocket as shown in figure 4. However, Cutler does not show a plurality of retaining structures being coupled to the flap that are configured to releasably secure firearm ammunition.

Domingos discloses a pocket apparatus (10) including an ammunition flap being having a plurality of retaining structures (42) that are configured to releasably secure firearm ammunition cartridges therein, col. 3, lines 37-55 and as shown in figure 1.

It would have been obvious to one skilled in the art at the time the invention was made to provide the flap of Cutler with a plurality of retaining structures thereon as taught by Domingos so that ammunition cartridges or any other item can be carried therein depending on the particular application or end use thereof.

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***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tejash Patel whose telephone number is (571) 272-4993.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

July 3, 2005



**TEJASH PATEL  
PRIMARY EXAMINER**